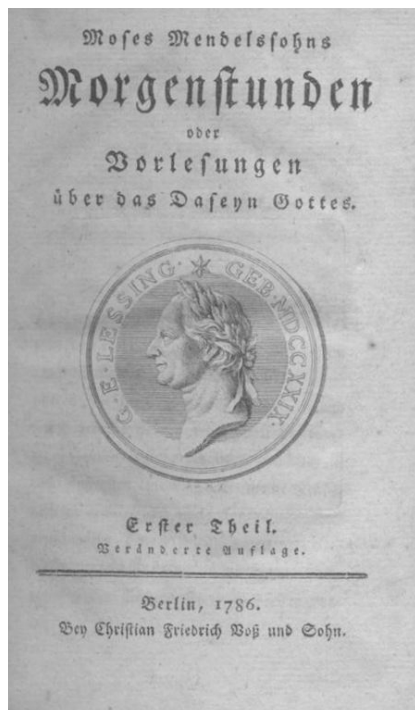




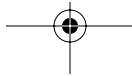
MOSES MENDELSSOHN

ENLIGHTENMENT, RELIGION, POLITICS, NATIONALISM

edited by
Michah Gottlieb and Charles H. Manekin



University Press of Maryland
Bethesda, Maryland
2015



LIBRARY OF CONGRESS CATALOGING-IN-PUBLICATION DATA

Moses Mendelssohn : enlightenment, religion, politics, nationalism / edited
by Michah Gottlieb and Charles H. Manekin.

pages cm. — (Studies and texts in Jewish history and culture ; 26)

Includes bibliographical references and index.

ISBN 978-1-934309-63-6 (alk. paper)

1. Mendelssohn, Moses, 1729-1786. I. Gottlieb, Michah, editor.

B2693.M6115 2015

193—dc23

2015034490

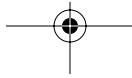
ISBN 9781934309636

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The Limits of Liberty

Baruch Spinoza and Moses Mendelssohn on Censorship

— Michah Gottlieb —

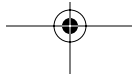
Censorship seems to be at odds with liberal society, which thrives on the expression of multiple points of view. As such, the inadmissibility of censorship seems to be correlated to the desirability of transparency, which the public needs to judge what is in its best interest.¹ Of course, matters are not so simple. Screaming fire in a crowded movie theater is a hackneyed example of a form of speech whose outlawing is widely accepted because of the potential for harm. In such cases, speech is no less dangerous than physical assault. However, in cases such as hate speech where the potential for harm is not as immediate, the state must balance its responsibility for protecting its citizens' bodily safety against its responsibility to protect its citizens' rights to free speech.

Spinoza and Mendelssohn are often accounted important liberal thinkers celebrated for their defenses of individual freedom. I will argue that although there is truth to this characterization, it is also the case that each is acutely sensitive to what they see as the potential dangers of unrestrained free speech.

I.

At first glance, Spinoza seems to be a firm opponent of censorship. He describes the “main point” of his 1670 *Theological-Political Treatise* as defending “the freedom to philosophize and to say what we think.”²

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1. See Halbertal, *Concealment and Revelation: Esotericism in Jewish Thought and Its Philosophical Implications* (Princeton: Princeton University Press, 2007), 163.
 2. Benedict Spinoza, *Tractatus Theologico-Politicus*, in *Spinoza Opera*, ed. Carl Geb-



In chapters 16–20 of the *Treatise*, Spinoza defends the freedom to philosophize on the basis of natural right. He defines natural right as “the rules governing the nature of every individual thing according to which we conceive it as naturally determined [*naturaliter determinatum*] to exist and act in a definite way.” Since nature has the right to do everything that it can and the power of nature is “nothing but the power of all individual things taken together,” Spinoza concludes that “each individual thing has the supreme right [*jus summum*] to do all it can do”—that is, an individual’s right is coextensive with her power. Spinoza notes that whether a person acts according to reason or the passions, she acts according to the laws of her nature, and so by natural right. Spinoza therefore concludes that nature “does not frown upon strife, or hatred or anger or deceit or anything at all urged upon by appetite [*appetitus*].” In nature there is no immorality or sin.³

For Spinoza, morality comes into being only after human beings enter society. Although people who live according to reason seek har-

hardt (Heidelberg: Carl Winters, 1925) vol. 3, Praefatio, 7; English translation: Benedict Spinoza, *Theological-Political Treatise*, trans. Samuel Shirley (Indianapolis: Hackett, 2001), 3. Hereafter, I will cite the Latin text using the acronym *TTP*, followed by the chapter number and page number, and then cite the English text using the acronym *TPT*. In the title page to the *TTP*, Spinoza describes the work’s contents as “containing several discussions in which it is shown that the freedom of philosophizing not only can be granted without harm to piety and the peace of the state, but also cannot be abolished unless piety and the peace of the state are also destroyed.” Compare Spinoza’s letter to Henry Oldenberg (letter 30), in which Spinoza describes a central motive for composing the *TTP* as establishing the “freedom to philosophize and to say what we think.” Although in letter 30 Spinoza presents “preachers (*concionatorum*)” and “theologians” as the main opponents of freedom of philosophy, in the *TTP* he also addresses the problem of civil authorities who seek to limit the freedom to philosophize. See Hereafter, I will cite the Latin text using the acronym *Ep*, followed by the letter number and page number, and then cite the English text using the acronym *L* and the page number.

3. Spinoza, *TTP*, xvi, 189–190; Spinoza, *TPT*, 173–174. See Spinoza, *TTP*, xiv, 195–196; xix, 229–230; Spinoza, *TPT*, 179; 213. Also see Benedict Spinoza, *Ethica*, Part 4, Proposition 37, Scholium 2, 237–238; Spinoza, *Ethics*, 566–568. In citing from the *Ethica*, I will use “E” for *Ethica*, “P” for Proposition, “S” for Scholium and “C” for Corollary. For the Latin I use Baruch Spinoza, *Ethica*, in *Spinoza Opera*, ed. Carl Gebhardt (Heidelberg: Carl Winters, 1925) volume 2; for the English I use Benedict Spinoza, in *The Collected Works of Spinoza*, ed. and trans. Edwin Curley (Princeton: Princeton University Press, 1985) volume 1.

monious relations with others, most people wish to indulge their passions above all else, which leads them into conflict with others.⁴ This makes life in the state of nature insecure, so people decide to band together to form a social compact, in which they agree to put their unrestricted natural right into “common ownership” to be administered by a sovereign. The people agree that the sovereign will govern them by laws framed according to reason, which the sovereign will administer through the threat of force.⁵

But Spinoza notes that there is a limit to the rights that a person can cede to the sovereign, as certain rights are inalienable. For example, no matter what the threat of punishment, a person can never be forced to hate someone they love or commit acts “abhorrent to human nature” such as murdering one’s parents.⁶ Similarly, Spinoza notes that it is impossible to force people to accept doctrines that they know to be false, such as that the “whole is not greater than the parts”⁷ or “to deprive men of the freedom to say what they think.”⁸ In the same vein, Spinoza writes that “inward worship of God” (*Dei interno cultu*) is an “individual right” that “cannot be transferred to another.”⁹

Elsewhere, however, Spinoza is more circumspect about the question of censorship and the limits of state power. This circumspection is apparent in Spinoza’s writing that he is willing to submit his *Treatise* to

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4. See Spinoza, E4P35–E4P37S2, *Ethica*, 232–237; *Ethics*, 563–568; E5P41, *Ethics*, 306–307; *Ethics*, 615–616; E5P42., *Ethica*, 307–308; *Ethics*, 616–617. In the *TTP*, Spinoza writes that if people ruled themselves according to reason, they would not need laws. See Spinoza, *TTP*, v, 73; Spinoza, *TPT*, 63.
 5. See Spinoza, *TTP*, xvi, 191; Spinoza, *TPT*, 175; Spinoza, E4P37S2, *Ethica*, 236–238; *Ethics*, 566–568. Spinoza also mentions other reasons for joining a social compact—namely, security against enemies and the efficient organization of an economy. See Spinoza, *TTP*, v, 73; Spinoza, *TPT*, 62–63.
 6. See Benedict Spinoza, *Tractatus Politicus*, in *Spinoza Opera*, ed. Carl Gebhardt (Heidelberg: Carl Winters, 1925) vol. 3, ch. 3, 287; English translation: Benedict Spinoza, *Political Treatise*, in *Spinoza: Complete Works*, ed. Michael Morgan, trans. Samuel Shirley (Indianapolis: Hackett, 2002), 692. I will abbreviate the Latin text using the acronym *TP*, and the English text using the acronym *PT*. Also see Spinoza, *TTP*, xvii, 201–202; Spinoza, *TPT*, 185.
 7. Spinoza, *TP*, iii, 287; Spinoza, *PT*, 692.
 8. Spinoza, *TTP*, xx, 246; Spinoza, *TPT*, 229.
 9. Spinoza, *TTP*, xix, 228–229; vii, 117; Spinoza, *TPT*, 212; 103; Spinoza, *TP*, iii, 288–289; Spinoza, *PT*, 693.

“the scrutiny and judgment of my country’s government” and to “retract it” if the authorities consider any part of it “contrary to the laws of my country or prejudicial to the general good.”¹⁰ Spinoza notes that some speech is as dangerous to the state as acts of sedition, and if the state it is to survive it must censor that speech. Such speech includes spreading ideas that “when posited immediately have the effect of annulling [*tollitur*] the covenant whereby everyone has surrendered the right to act just as he thinks fit.”¹¹ Examples of this include expressing the idea that the “sovereign is not possessed of full power, that promises need not be kept or that everyone should live according to their own decision.”¹² Since obligation implies ability, Spinoza’s claim that the fact that the sovereign ought to censor such speech implies that the sovereign has the ability to do so.

But although it is within the power of the sovereign to censor certain types of speech, Spinoza argues that it is not in the sovereign’s long-term interest to exercise that power, as the dangers of censorship usually outweigh the dangers of letting people express dangerous beliefs. Spinoza offers three reasons for this view. First, people with strong convictions will not be deterred from expressing their beliefs by the threat of punishment. Indeed, the threat of punishment will only strengthen their resolve, and many of them will be willing to endure punishment or even death for the sake of their beliefs. Such a show of resolve will result in the undermining of state authority, as such individuals will be praised as martyrs who will be revered and emulated.¹³

Second, Spinoza notes that persecuting people for expressing their beliefs undermines public morality, as the threat of censorship encourages people to become dissemblers and sycophants who publicly say one thing but privately believe something else. This creates a culture of deception and thus undermines the fabric of society, which depends on honesty and integrity.¹⁴

10. Spinoza, *TTP*, Praef., 12; Spinoza, *TPT*, 8. See Spinoza, *TTP*, xx, 247; Spinoza, *TPT*, 230.

11. Spinoza, *TTP*, xx, 242; Spinoza, *TPT*, 225.

12. Spinoza, *TTP*, xx, 242; Spinoza, *TPT*, 225. See Spinoza, *TP*, iii, 287–288; Spinoza, *PT*, 692–693.

13. Spinoza, *TTP*, xx, 244–245; Spinoza, *TPT*, 227.

14. Spinoza, *TTP*, xx, 244; Spinoza, *TPT*, 226.

Finally, when people fear expressing their views honestly, this impedes the development of the arts and sciences, which require the “free and unbiased” exchange of ideas. Since the arts and sciences create wealth, a repressive society will not flourish economically.¹⁵

While in certain places Spinoza implies that beliefs cannot be coerced, in chapter 17 of the *Treatise*, he writes that “minds are to some degree under the control of the sovereign power who has many means of inducing the great majority to believe, love, and hate whatever he wills.” Spinoza further claims that “there is no absurdity in conceiving men whose beliefs, love, hatred, contempt and every single emotion is under the sole control of the governing power.”¹⁶ How can the sovereign control people’s minds? Spinoza is not speaking of overt persecution, for he writes that “it is not by direct command of the sovereign power” that this control can be exerted. Rather, according to Spinoza, the sovereign can control minds through the “authoritative nature of power and guidance.”¹⁷

To clarify this, Spinoza notes that the preservation and stability of the state depend on “the subjects’ loyalty and steadfastness in carrying out orders.” But there is a problem. Most people are dominated by their passions and hence will be tempted to evade the law if they see obedience to it as at odds with their personal benefit. Since lustful people always form the majority of society, according to Spinoza, the problem for any society is how to get the mass of people to “set public right before private advantage [*jus publicum privatis commodis praeferant*].”¹⁸

Fear of punishment, of course, is a powerful motivator, but what about cases where people think that they can avoid getting caught? Spinoza notes that from time immemorial one solution to this problem has been to claim religious sanction for political authority. Kings such as Augustus and Alexander sought to convince people that they were descended from immortal gods, which made disobedience to them tan-

15. Spinoza, *TTP*, xx, 243; Spinoza, *TPT*, 226.

16. Spinoza, *TTP*, xvii, 202; Spinoza, *TPT*, 186. See Steven Smith, *Spinoza, Liberalism, and the Question of Jewish Identity* (New Haven: Yale University Press, 1997), 156–157.

17. Spinoza, *TTP*, xvii, 202; Spinoza, *TPT*, 186.

18. Spinoza, *TTP*, xvii, 203; Spinoza, *TPT*, 187. The Mandevillian notion that private vices produce public benefit seeks to resolve this problem in a different way.

tamount to disobeying the gods.¹⁹ Spinoza thinks that Alexander deliberately employed this tactic, “foist[ing] a deception on the ignorant” to consolidate and strengthen his political control.²⁰

The case of the ancient Israelites provides a different model for the political use of religion. Spinoza describes the Mosaic polity as a theocracy. Although Spinoza’s account of Mosaic theocracy is complex, I will focus on a few salient features. According to Spinoza, after leaving Egypt, the ancient Israelites returned to a state of nature. They decided to form a social compact, transferring their natural rights to God as their sovereign. The Israelites decided that Moses would be their mediator, consulting God and communicating God’s decrees to them. As the people’s mediator, Moses had full jurisdiction over the appointment of the priests who would administer the sacred rites.²¹ Since Mosaic legislation, which included both civil and ceremonial law, was understood to express the divine will, obedience to the Mosaic laws was accounted obedience to God. The rituals bound the Israelites together and fostered patriotism, while the fact that the civil laws were understood to be from God lent a sense of sacred authority to civil obedience. This led the people to obey the laws from a sense of devotion and reverence.²² Furthermore, the divine origin of the laws discouraged disobedience, since the people believed that God was aware of their transgressions even if the civil authorities were not.²³

Although Spinoza does not think it advisable or even possible to imitate the Mosaic state in his own time, he draws some political lessons from it. He notes that as long as the priests were under the control of the civil authorities there were long periods of peace, but when the priests freed themselves from the civil authorities and independently made pronouncements about what God required of the people, the state was undermined. Spinoza draws the lesson that political stability requires that the sovereign be the sole legitimate interpreter of religion and that the sovereign should establish a state religion to which all people must adhere in their outward practices.²⁴

19. Spinoza, *TTP*, xvii, 204–205; Spinoza, *TPT*, 188.

20. Spinoza, *TTP*, xvii, 204; Spinoza, *TPT*, 188.

21. Spinoza, *TTP*, xvii, 206–207; xviii, 221; Spinoza, *TPT*, 190; 205.

22. Spinoza, *TTP*, v, 75; Spinoza, *TPT*, 64.

23. Spinoza, *TTP*, xvii, 206–207; v, 75; Spinoza, *TPT*, 189–190; 64.

24. Spinoza, *TTP*, xviii, 225; xix, 228–238; Spinoza, *TPT*, 209; 212–221.

Spinoza writes that it would be foolish for a sovereign in seventeenth-century Holland to institute an elaborate system of religious ceremonies like the ones practiced in the Mosaic republic, but he thinks that the wise sovereign will use religion as a means of strengthening the polity by convincing people that devotion to the laws of one's country constitutes the highest religious duty.²⁵ Since political stability is promoted by people treating one another ethically, the sovereign will make loving one's neighbor the central religious imperative and downplay those elements of religion that seem to teach hatred or which provide grounds for civil disobedience.²⁶

Of course, many religious leaders will not be very happy to subordinate their authority to the sovereign. The problem for the sovereign is that just as the wise will often sacrifice themselves for their philosophical convictions, so the masses will frequently sacrifice themselves for their religious convictions. The people cannot be forcibly coerced to accept the civil authorities as the legitimate interpreters of religion. Spinoza's solution is to show the sovereign how to convince people that politically independent religious leaders are not to be trusted and that the central religious duty is obedience to the state. Since religious leaders base their authority on Scripture, the proper method of scriptural interpretation is a key concern for political leaders.

For Spinoza, the key to the sovereign's ability to wrest Scripture away from religious leaders is the critical analysis of the Bible. Claiming that the proper interpretation of Scripture requires setting it in its historical context, having a strong knowledge of Hebrew grammar and phraseology, knowing the textual history of the books of the Bible, and so forth, Spinoza shows the sovereign how to argue that religious leaders who lack the tools of critical scholarship end up distorting the meaning of the Bible by imposing interpretations on it rather than understanding its original intent. In this way, Spinoza shows the sovereign how to denounce religious leaders for impiously disregarding the word of God. Spinoza then models a critical method of reading the Bible that makes obedience to the sovereign the central religious imperative.²⁷

25. Spinoza, *TTP*, xix, 232–233; Spinoza, *TPT*, 215–216.

26. Spinoza, *TTP*, xix, 232–233; Spinoza, *TPT*, 215–216; Spinoza, *TP*, 288; Spinoza, *PT*, 693.

27. I develop this argument in Michah Gottlieb, *Faith, Reason, Politics: Essays on the History of Jewish Thought* (Boston: Academic Studies Press, 2013), chap. 2.

Spinoza thinks that the wise person recognizes the importance of obeying the laws of the state even if they are unjust, since civil disobedience risks undermining the authority of the state and creating anarchy, which is much more harmful than any particular bad law. Spinoza's appreciation of the political importance of religion is shaped by his conviction that few people will ever be wise. For Spinoza, politics is a way of getting people to act rationally without their having to be philosophers. We might call it a second-order rationality for the masses. But although politics induces rational action through threats, ideally people will willingly act rationally. This is the proper function of religion.

In sum, for Spinoza censorship is generally illegitimate except in the case of seditious beliefs. But even if the sovereign can stop people from expressing dangerous beliefs through the threat of force, doing so creates other risks to the state. So Spinoza argues that the best way for the sovereign to prevent people from expressing seditious beliefs is by using religion to convince them that rebelling against the sovereign is tantamount to rebelling against God.

II.

At first blush, Mendelssohn opposes all forms of censorship. He presents his most famous arguments against censorship in his 1781 preface to the German translation of Menasseh ben Israel's *Vindiciae Judaeorum* and in the first part of *Jerusalem*. In these works, Mendelssohn grounds his opposition to coercion in his theory of natural right. Unlike Spinoza, Mendelssohn does not think that natural right is coextensive with power. For Mendelssohn, in nature we have moral rights, which include our authority to use goods that help us develop our capacities as long as this does not infringe on others' ability to develop their capacities.²⁸ For every right there is a corresponding duty. If someone has a right to a good, I have a duty to respect that right.²⁹ Mendelssohn distinguishes between perfect and imperfect rights. Rights are perfect when exercis-

28. See Moses Mendelssohn, *Gesammelte Schriften Jubiläumsausgabe (JubA)*, ed. Alexander Altmann et al. (Stuttgart: Frommann-Holzboog, 1971), 8:114; Moses Mendelssohn, *Jerusalem; or On Religious Power and Judaism*, trans. Allan Arkush (Waltham: Brandeis University Press, 1983), 45–46. More precisely, Mendelssohn writes that we have the right to develop our capacities as long as this right does not contradict the laws of wisdom and goodness.

29. Mendelssohn, *JubA*, 8:114; Mendelssohn, *Jerusalem*, 46.

ing them depends solely on my will. Rights are imperfect when “part of the conditions under which the right applies is dependent on the knowledge and conscience of the person who bears the duty.” For example, if a person needs money to buy food, he has a right to acquire this money from all people who can spare it. Similarly, anyone who has surplus money has a duty to distribute it. But the needy person’s right to this money is imperfect since there are many poor people who can claim a right to beneficence, and the rich person can decide whom to aid.³⁰

One of the main purposes of the social contract is to help people exercise their rights and observe their duties.³¹ The state protects perfect rights by ensuring that its citizens uphold their responsibility not to infringe the rights of others through threats of coercion. Similarly, the state ensures that imperfect rights are administered wisely by directing the distribution of some of the goods possessed by imperfect rights. Since the individual’s knowledge is limited, people often cannot determine how to best distribute their superfluous goods. So, for example, taxation and providing social welfare are ways in which the state ensures that the needy are properly taken care of.³²

In addition to distinguishing between perfect and imperfect rights, Mendelssohn distinguishes between alienable and inalienable rights. Alienable rights are rights to goods that I can willingly transfer to others. For example, I can choose to transfer my right to my house to another person. Once I formally sign the contract, I can be coerced to leave my house if I refuse to follow through with handing it over. But there are rights to goods that are inalienable. Rights are inalienable when it is not within my power to assign my goods to another. Mendelssohn holds that my rights to my beliefs and opinions are inalienable, as I cannot choose which ideas to believe and which not to believe, no matter what coercion is applied to me. If someone holds a gun to my head and tells me that I must believe that $1 + 1 = 3$, I can say that I believe that $1 + 1 = 3$, but I can never actually believe it. For Mendelssohn, since my rights to my beliefs are inalienable, I cede none of them to the state in the social compact. The state thus has no right of coercion in matters of belief. Since Mendelssohn sees thought and

30. See Mendelssohn, *JubA*, 8:114–122; Mendelssohn, *Jerusalem*, 45–53.

31. Mendelssohn, *JubA*, 8:109; 16:405–407; Mendelssohn, *Jerusalem*, 40.

32. See Mendelssohn, *JubA*, 8:125–126; Mendelssohn, *Jerusalem*, 57.

speech as intimately connected, he regards attempts to control speech as surreptitious attempts to coerce thought, which are therefore impermissible.³³ This line of reasoning is similar to Spinoza's. But Mendelssohn goes further than Spinoza by claiming that it is not permissible for the state to control religious practices. His reasoning is that religious practices are tokens of beliefs, and therefore any attempt to control religious practices constitutes an attempt to coerce belief. Mendelssohn takes this claim very far, arguing that even granting civil privileges to members of a particular religious group constitutes an attempt to coerce beliefs through a form of bribery.³⁴ For this reason, Mendelssohn opposes state religion.

In other writings, Mendelssohn offers a second argument against censorship. He notes that our purpose as human beings is to achieve perfection. Perfection includes perfecting our rational faculties, achieving moral virtue, appreciating beauty, and perfecting our bodies.³⁵ The state is legitimated by its ability to maximize the perfection of its citizens. Mendelssohn notes that freedom has a double relation to perfection. First, freedom is a means for achieving perfection. So, for example, perfecting my intellect presupposes the liberty to freely exchange ideas. Second, freedom is constitutive of perfection itself. As Mendelssohn puts it, "life without liberty is hardly tolerable to the most patient human being."³⁶ Inasmuch as the state is legitimated by its capacity to help one achieve perfection, censorship contravenes the state's function and so is illegitimate.

In a short essay published in 1785, Mendelssohn extends his opposition to censorship to include "soft" forms of censorship such as social opprobrium. In the essay, Mendelssohn considers the question whether it is preferable to oppose fanatical religious ideas through reasoned arguments or through satire and mockery. He concludes that using rea-

33. Mendelssohn, *JubA*, 8:129–130; Mendelssohn, *Jerusalem*, 61–62.

34. Mendelssohn, *JubA*, 8:129–130; Mendelssohn, *Jerusalem*, 61–62.

35. See Mendelssohn, *JubA*, 2:166; Alexander Altmann, "Mendelssohn on Education and the Image of Man," in *Studies in Jewish Thought: An Anthology of German Jewish Scholarship*, ed. Alfred Jospe (Detroit: Wayne State University Press, 1981), 399.

36. Mendelssohn, *JubA*, 2:99. See Alexander Altmann, "The Quest for Liberty in Moses Mendelssohn's Political Philosophy," in *Humanität und Dialog: Lessing und Mendelssohn in Neuer Sicht*, eds. Ehrhard Bahr, Edward Harris, and Laurence Lyon (Detroit: Wayne State University Press, 1982), 43.

soned arguments is always better. The problem with satire and mockery is that it is an instrument that can be used to discredit true ideas as well as false ones. When mockery becomes a widespread, acceptable form of criticism, the rationality of the public is threatened. When faced with the threat of mockery, prejudiced individuals will naturally try to hide their prejudices and adopt what Mendelssohn calls a “mask of common sense” (*die Maske der gesunden Vernunft*). This results in the spreading of “sham enlightenment” (*Afteraufklärung*), with everyone mouthing “stale wisdom” (*schale Weisheit*), the animating spirit of which has been lost.”³⁷ A ‘politically correct’ populace that mouths rational ideas without understanding them is not truly enlightened, so even social censorship is unacceptable.³⁸

In light of this evidence, Mendelssohn’s stance on censorship seems clear. However, scholars have noted a place in his published writings in which Mendelssohn sounds a discordant note. In an oft-cited passage from part I of *Jerusalem*, Mendelssohn writes: “The state is to see to it from afar that no doctrines are propagated which are inconsistent with the public welfare, doctrines which like atheism and Epicureanism undermine the foundation on which the felicity of social life is based. . . . Hence every civil society would do well to let neither of them, neither fanaticism nor atheism take root and spread. . . . But it is only from a distance that the state should take notice of this and only with wise moderation that should it favor even these true doctrines upon which its true felicity is based.”³⁹ Not surprisingly, this passage has greatly troubled Mendelssohn commentators. How does the claim that the state should monitor the spread of atheism and religious fanaticism cohere with Mendelssohn’s defense of liberty of conscience? What does Mendelssohn mean by claiming that the state should monitor these doctrines “from a distance?”⁴⁰

37. See Mendelssohn, *JubA*, 6.1:139.

38. See *ibid.* Also see Mendelssohn’s 1763 “Prize Essay” where he writes that “since not everyone has the capacity to examine philosophers’ thesis it is better for such an individual to judge in accordance with his meager insights than to recognize and blindly follow some philosophical pope wherever the latter wants to lead him. Anyone who gripes about this freedom cultivates despotic intentions and is a dangerous citizens in the republic of philosophy.” See Mendelssohn, *JubA*, 2:296–297; Moses Mendelssohn, *Philosophical Writings*, ed. and trans. Daniel Dahlstrom (Cambridge: Cambridge University Press, 1997), 278.

39. Mendelssohn, *JubA*, 8:130–131; Mendelssohn, *Jerusalem*, 62–63.

In unpacking Mendelssohn's claim, there are a few points to consider. First, today atheism is generally not viewed as a socially destructive doctrine, but Mendelssohn thinks that both atheism and religious fanaticism can threaten "social felicity" by undermining morality. Mendelssohn does not think that one needs religion to know one's ethical obligations.⁴¹ But although we can discern our moral responsibilities through reason, Mendelssohn thinks that most people need religious beliefs to be motivated to act ethically. For although people generally recognize that morality is binding, they often notice the suffering of the righteous and the prospering of the wicked, which can cause them to despair of morality. It often seems that righteousness is an impediment to prosperity, as the wicked person who takes moral short cuts is able to get ahead faster.⁴² As a result, benevolence can come to be seen as "a foppery into which we seek to lure one another so that the simpleton will toil while the clever man enjoys himself and has a good laugh at the other's expense."⁴³ The wise man recognizes that benevolence is a crucial component of perfection and hence is its own reward, but most people consider benevolence to be a sacrifice (*Verlust*) that demands compensation.⁴⁴ Hence they require belief in a good providential God who rewards the righteous and punishes the wicked. As they do not see this compensation in this world, to be motivated to act ethically they require the belief that this injustice is

40. For discussion of this passage, see Alexander Altmann, *Moses Mendelssohn: A Biographical Study* (London: Vallentine Mitchell, 1973), 528–529; Allan Arkush, *Moses Mendelssohn and the Enlightenment* (Albany: SUNY Press, 1994), 113–121; Smith, *Spinoza, Liberalism*, 173–174; Michah Gottlieb, *Faith and Freedom: Moses Mendelssohn's Theological-Political Thought* (Oxford: Oxford University Press, 2011), 63–64, 84; Edward Breuer, "Mendelssohn's Jewish Political Philosophy," in this volume.

41. Mendelssohn, "Prize Essay," in *JubA*, 2:315–330; Mendelssohn, *Philosophical Writings*, 295–310; Mendelssohn, "Letter to Jacob Emden" in *JubA* 19:178–179; Commentary to Genesis 2:9 in *JubA*, 23–24.

42. See Mendelssohn, Commentary to Ecclesiastes 9:10 in *JubA*, 14, 193.

43. Ibid., *Jerusalem*, 8:131; Mendelssohn, *Jerusalem*, 63; Mendelssohn, Commentary to Ecclesiastes 9:10 in *JubA*, 14:193.

44. See Mendelssohn, Sache Gottes, in *JubA*, 3.2:236–240. On the idea of benevolence as its own reward, see Mendelssohn, *Philosophical Dialogues*, in *JubA*, 1:405–408; Mendelssohn, *Philosophical Writings*, 151–154; Mendelssohn, *JubA*, 6.1:38, 47; Mendelssohn, *Jerusalem*, 8:111, 116; Mendelssohn, *Jerusalem*, 41, 47. Spinoza makes a similar point. See Spinoza, *Ethics*, E5P42.

rectified in the next world. For this reason Mendelssohn thinks that atheists who do not believe in a good, providential God will find it more difficult to muster the motivation to act ethically.⁴⁵

Mendelssohn also thinks that fanatical religious beliefs like the idea of a vengeful, angry God who punishes unbelief with eternal hellfire can have destructive social consequences. Believing that God hates those who do not confess faith in one's own theological dogmas can lead the faithful to persecute members of other faiths to save souls.

So for Mendelssohn atheism and religious fanaticism are beliefs that can lead to social harm. In *Jerusalem*, Mendelssohn seems to be in a quandary about how to treat the spread of such doctrines in light of his strictures against censorship. He comes up with a compromise of sorts whereby these doctrines should not be censored outright but rather "monitored from afar."

III.

Although in his published writings Mendelssohn generally denies the state's right to censorship, in two late papers never intended for publication, he shows himself much more sympathetic to censorship. Before exploring these papers, I shall say something about the context in which they were written.

In 1783, Mendelssohn joined the Berlin Wednesday Society (Berlin Mittwochsgesellschaft). This club, also known as the "Society of Friends of the Enlightenment", was a secret association composed of leading civil servants in Berlin, including jurists, ecclesiastic officeholders, and philosophers. Meeting between 1783 and 1798, the Wednesday Society was animated by a fundamental confidence in the power of reason to solve the major social and political problems affecting humanity.⁴⁶ But as Eckart Hellmuth has shown, although its members had great faith in reason *in principle*, a large part of the group suspected that "most members of society lacked rationality and understanding, and that they were incapable of acting according to the laws of reason."⁴⁷ In line with this

45. See Mendelssohn, *JubA*, 3.2:236–240.

46. On the Wednesday Society, see Gunther Birtsch, "The Berlin Wednesday Society," in *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley: University of California Press, 1996), 235–252.

47. See Eckhart Hellmuth, "Enlightenment and Freedom of the Press: The Debate in the Berlin Mittwochsgesellschaft, 1783–1784," *History* 83 (1998): 425–426.

view, the group felt it necessary to keep its meetings secret. At each meeting a member would present a paper on a controversial topic, and members of the society would respond by submitting *vota* in which they weighed in on the question at hand. These *vota* were strictly confidential and never intended for publication.

In 1783 and 1784, the Wednesday Society held vigorous debates about the possibility of popular enlightenment. In 1783, one member of the group, Carl Wilhelm Möhsen, presented a paper related to a prize competition that had been held by the Berlin Academy of Sciences some five years earlier. In 1778, the Academy had invited people to submit answers to the question, “Is it useful for the common mass of mankind to be deceived either by being misled into new errors or by being maintained in accustomed errors?”⁴⁸ Mendelssohn, who had won first prize in the Academy’s prize competition in 1763, did not enter this competition. But when Möhsen raised this question at the secret deliberations of the Wednesday Society, Mendelssohn offered his opinion.

In his *votum* Mendelssohn addresses the question of censorship. Somewhat surprisingly, he avers that in principle the state may be justified in censoring certain prejudices. However, Mendelssohn qualifies this by claiming that the benefits of state censorship must be weighed against the potential for abuse. The nature of censorship is such that it is impossible to specify exactly which ideas threaten moral virtue and social stability, so the censor has to make these judgments. But this situation is ripe for misuse, as an overzealous censor may suppress all sorts of ideas inappropriately. So Mendelssohn concludes that “[censorship] appears to me more dangerous than unrestricted freedom.”⁴⁹ Although he rejects censorship for pragmatic reasons, this is a far cry from his unequivocal denial of the legitimacy of censorship that we saw earlier.

A year later, in a *votum* titled “On the Freedom to Express One’s Opinion,” Mendelssohn takes an even bolder stance, firmly defending the legitimacy of state censorship. He writes: “He who publicly publishes a dangerous opinion damages others immediately. Therefore the law can be used to stop him.”⁵⁰ So we find a contradiction between

48. Frederick the Great had first posed this question in chapter 18 of his 1740 book *Anti-Machiavel*. See Frederick II, *L’Anti-Machiavel ou l’Examen du Prince de Machiavel* (Brussels: F. Foppins, 1740), 113–120.

49. See Mendelssohn, *JubA*, 6.1:109.

50. *Ibid.*, 6.1:124.

Mendelssohn's many published statements that deny the legitimacy of censorship and his unpublished *vota*, which affirm its legitimacy. How do we explain this contradiction? We cannot assume that Mendelssohn changed his mind, as he wrote these different opinions at the same time.

A careful examination of "On the Freedom to Express One's Opinion" provides some insight. Mendelssohn begins the *votum* by noting the paradoxical nature of publishing a defense of censorship. He uses the following analogy: Imagine an area in the Alps between two great snow-covered peaks in which avalanches commonly occur. Travelers are commonly warned not to shout between the peaks, as they might start an avalanche. Now imagine a group of travelers journeying between the peaks who, in order to make one another aware of the danger of raising one's voice, continually yell this warning loudly to one another. Would this not be nonsensical? In the same way, although censorship may at times be legitimate, it is counterproductive to announce that one is doing it as this calls attention to the very ideas that one seeks to abolish. So if the state is to censor certain views, it must do so discreetly.⁵¹

Mendelssohn also claims that the state must be very selective in what it chooses to censor. In his essay "What is Enlightenment?," he distinguishes between an individual's "vocation" qua human being and her "vocation" qua citizen. An individual's vocation qua human being pertains primarily to the development of her individual intellectual capacities. In contrast, an individual's vocation qua citizen involves the acquisition of certain social ideals and practices, including ethical virtue and devotion to the state. Mendelssohn notes that "at times the enlightenment of a people can come into conflict with the enlightenment of citizens," as "certain truths which are useful to the human being as human being can at times be harmful to him as a citizen."⁵² So there are certain ideas that may be true but that can undermine people's ability to be good citizens. At first glance, it is hard to know what Mendelssohn means, since he thinks that the wise person understands that morality is a demand of reason and recognizes the benefits of society for achieving perfection, as it provides a context for moral activity.

Mendelssohn's intention becomes clearer through an examination of a passage from his famous "Open Letter to Lavater." Johann Caspar

51. Ibid., 6.1:123–124.

52. Ibid., 6.1:116–117; Mendelssohn, *Philosophical Writings*, 314–315.

Lavater had dedicated a defense of Christianity to Mendelssohn, challenging him to refute the book or convert. In his response, Mendelssohn explains his reasons for adhering to Judaism and his approach to religious disputation. Toward the end of the letter, he notes that “it is a natural obligation for every mortal man to spread knowledge and virtue among his fellow men and to blot out their prejudices and errors as much as it is within his power.” But for Mendelssohn not all prejudices are equal. He distinguishes between prejudices that “disturb their fellow men’s peace and contentment and kill every seed of what is true and good in people before it can sprout” and prejudices that are errors from a theoretical perspective but that “constitute the foundation on which a people that cherishes them has built up its system of ethics and social life.” As examples of the first type of prejudices, Mendelssohn mentions “fanaticism and the spirit of persecution” as well as “immoral freethinking.” With these prejudices, it is the philosopher’s duty is to attack them directly.⁵³

But in the case of the second type of prejudices, which encourage ethics and a sense of social responsibility, Mendelssohn writes that “whoever cares more for the welfare of mankind than for his own renown will keep a rein on his opinions concerning prejudices of this sort, and he will guard against attacking them forthrightly and without the greatest care.” As long as it is not yet possible to replace such teachings with philosophical ones that achieve the same practical purposes, Mendelssohn contends that the philosopher must regard such prejudices as “nearly holy” (*beynahe heilig*).⁵⁴

In the letter to Lavater, Mendelssohn addresses how the philosopher should treat prejudices, but I suggest that he adopts a similar approach to the question of state censorship. For Mendelssohn, the state should censor the expression only of those beliefs that undercut morality and social stability. In the letter to Lavater, Mendelssohn singles out as pernicious doctrines “immoral freethinking” and “fanaticism” that harbors “a spirit of persecution.” In Mendelssohn’s view, could there be freethinking that does not promote immoral behavior and fanaticism that

53. Mendelssohn, “Letter to Lavater” in *JubA*, 7:13–14; Moses Mendelssohn, *Moses Mendelssohn: Writings on Judaism, Christianity and the Bible*, ed. Michah Gottlieb, trans. Allan Arkush, Curtis Bowman and Elias Sacks (Waltham: Brandeis University Press, 2011), 11–12.

54. Ibid.

does not lead one to persecute others? If so, in such cases censorship might not be appropriate. In any case, because of the damage to individual felicity inherent in censorship and the dangers of overzealous censors, the state must be very sparing in its use of censorship. And the state must be very careful in how it censors, or it may unwittingly draw increased attention to the very doctrines it seeks to control.

IV.

In conclusion, Spinoza and Mendelssohn have complex approaches to censorship. On the one hand, they provide strong reasons for opposing censorship grounded in the idea that a person cannot be coerced to change a firmly held conviction. Both note that censorship degrades public virtue, turning people into dissemblers and impeding the free flow of information needed for a thriving, dynamic society. They also agree that attempts to overtly censor people's beliefs are likely to backfire.

On the other hand, both recognize that the spread of certain asocial beliefs can undermine the stability of the state and that the state is within its right to check the dissemination of such views. But they disagree over how to do so.

Spinoza thinks that the sovereign should use religion to promote moral and political obedience by establishing itself as the sole legitimate interpreter of religion and establishing obedience to the sovereign as the highest religious duty. For Spinoza, whatever the sovereign does is morally legitimate since the sovereign determines what is just and unjust. However, Mendelssohn is more circumspect about state power, denying the legitimacy of a state religion and raising doubts about censors' possible abuses of power. His more critical stance toward state power derives from his denial that right is coextensive with power and from his conviction that there are binding moral norms in the state of nature.

Spinoza's and Mendelssohn's reflections on censorship show that there is a delicate balance between the state's responsibility to protect its citizens' rights to freedom of speech, and its responsibility to ensure social stability. How to resolve that dilemma is a thorny problem that allows of no elegant solution.

